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In re:

|   | Annette W. Jarvis, Utah Bar No. 1649            |
|---|---|
|   | RAY QUINNEY & NEBEKER P.C.                      |
| ı | 36 South State Street, Suite 1400               |
|   | P.O. Box 45385                                  |
|   | Salt Lake City, Utah 84145-0385                 |
| ı | Telephone: (801) 532-1500                       |
|   | Facsimile: (801) 532-7543                       |
|   | Email: ajarvis@rqn.com                          |
|   | and   |
|   | Lenard E. Schwartzer                            |
| ı | Nevada Bar No. 0399                             |
| ı | Schwartzer & McPherson Law Firm                 |
|   | 2850 South Jones Boulevard, Suite 1             |
|   | Las Vegas, Nevada 89146-5308                    |
|   | Telephone: (702) 228-7590                       |
|   | Facsimile: (702) 892-0122                       |
|   | E-Mail: <u>bkfilings@s-mlaw.com</u>             |
| ı | Attorneys for Debtors and Debtors-in-Possession |

## **E-FILED ON JULY 17, 2006**

## UNITED STATES BANKRUPTCY COURT DISTRICT OF NEVADA

| 111.10.  |         |
|--|---------|
| USA COMMERCIAL MORTGAGE COMPANY,               |         |
|  | Debtor. |
| In re:   |         |
| USA CAPITAL REALTY ADVISORS, LLC,              |         |
|  | Debtor. |
| In re:   |         |
| USA CAPITAL DIVERSIFIED TRUST DEED FUND        | , LLC,  |
|  | Debtor. |
| In re:   |         |
| USA CAPITAL FIRST TRUST DEED FUND, LLC,        |         |
|  | Debtor. |
| In re:   |         |
| USA SECURITIES, LLC,                           |         |
|  | Debtor. |
| Affects:                                       |         |
|  |         |
| ☐ All Debtors                                  |         |
| ■ USA Commercial Mortgage Company              |         |
| ☐ USA Securities, LLC                          |         |
| ☐ USA Capital Realty Advisors, LLC             |         |
| ☐ USA Capital Diversified Trust Deed Fund, LLC |         |

☐ USA First Trust Deed Fund, LLC

Case No. BK-S-06-10725 LBR Case No. BK-S-06-10726 LBR Case No. BK-S-06-10727 LBR Case No. BK-S-06-10728 LBR Case No. BK-S-06-10729 LBR Chapter 11 Jointly Administered Under

Case No. BK-S-06-10725 LBR

NOTICE OF HEARING ON "ORDER PRELIMINARILY **DENYING MOTION FOR RELIEF** FROM THE AUTOMATIC STAY TO TERMINATE LOAN SERVICING AGREEMENT FOR DIRECT LOAN TO BOISE/GOWAN, LLC AND **CONTINUING HEARING TO AUGUST 4, 2006 AFFECTS USA COMMERCIAL MORTGAGE CO.]"** 

Date: July 25, 2006 Time: 9:30 a.m.

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| NOTICE IS HEREBY GIVEN that the Debtor has lodged an "Order Preliminarily Denying Motion               |
|--|
| For Relief From The Automatic Stay To Terminate Loan Servicing Agreement For Direct Loan To            |
| Boise/Gowan, LLC And Continuing Hearing To August 4, 2006 [Affects USA Commercial Mortgage             |
| Co.]" (the "Order"). The Court has set this matter for hearing to resolve issues regarding this Order. |

Any Opposition must be filed pursuant to Local Rule 9014(e)(1). Local Rule 9014(e)(1): "Except for motions made pursuant to Fed.R.Bank.P. 7056 and LR 7056, an opposition to a motion must be filed and service completed upon the movant not more than fifteen (15) days after service of the motion, (eighteen (18) days if service of the motion is by mail pursuant to FRBP 9006(e) and (f)), but in no event later than five (5) business days before the date set for the hearing so that the movant receives the opposition no less than five (5) business days before the hearing date or within the time otherwise fixed by the court. The opposition must set forth all relevant facts and must contain a legal memorandum. An opposition may be supported by affidavits or declarations that conform to the provisions of subsection (d) of this rule."

A copy of the Order may be obtained by contacting the office of the Debtor's counsel, Ray Quinney & Nebeker P.C., telephone: (801) 532-1500 or fax: (801) 532-7543 or by accessing PACER through the United States Bankruptcy Court website for Nevada at <a href="https://www.nvb.uscourts.gov">www.nvb.uscourts.gov</a>.

If an objection is not timely filed and served, the relief requested may be granted without a hearing.  $LR\ 9014(a)(1)$  and  $LR\ 9014(c)(1)(E)$ .

NOTICE IS FURTHER GIVEN that the hearing may be continued without further notice.

NOTICE IS FURTHER GIVEN that the hearing will be held before a United States Bankruptcy

Judge, in the Foley Federal Building, 300 Las Vegas Boulevard South, Courtroom 1, Las Vegas, Nevada on

## July 25, 2006 at 9:30 a.m.

Respectfully submitted this 17<sup>th</sup> day of July, 2006.

Annette W. Jarvis, Utah Bar No. 1649 RAY QUINNEY & NEBEKER P.C. 36 South State Street, Suite 1400 P.O. Box 45385 Salt Lake City, Utah 84145-0385

and

## /s/ JEANETTE E. MCPHERSON

Lenard E. Schwartzer, Nevada Bar No. 0399 Jeanette E. McPherson, Nevada Bar No. 5423 SCHWARTZER & MCPHERSON LAW FIRM 2850 South Jones Boulevard, Suite 1 Las Vegas, Nevada 89146